



PATENT NO. 8229-018-27 CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	JAMES A. HUNTER, ET AL.	ART UNIT:	2872
SERIAL NO.:	10/050,994	EXAMINER:	AMARI, A.
FILING DATE: JANUARY 22, 2002			
FOR: HIGH CONTRAST GRATING LIGHT VALVE			

REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Responsive to the Final Office Action issued in the above-captioned patent application on September 29, 2004, and in light of the Request for Continued Examination submitted herewith, withdrawal of the rejection of all claims as anticipated or obvious over U.S. Patent 6,233,087, Hawkins, alone or in view of U.S. Patent 5,311,360, Bloom, is respectfully requested.

Specifically, Applicants have previously presented, in the form of Declarations responsive to the rejection over U.S. Patent, 6,169,624, now withdrawn, evidence tending to demonstrate a date of invention of the subject matter claimed in advance of the effective filing dates of both the '624 and '087 patents. Those respective filing dates are August 11, 1999 and December 18, 1998.

In the Office Action of September 2004, the rejection over U.S. Patent 6,233,087, only, alone or in view of the '360 patent, was maintained, it being the position of the Examiner that none of the exhibits provided in the Declaration provide any test results to show that the subject

matter claimed worked for the intended purpose. The Examiner also questions, pages 2-5 of the Outstanding Office Action, whether the exhibits submitted demonstrate all the elements of the claims.

Applicants rely on the evidence originally submitted, together with the Declaration of Hunter submitted herewith. Time has not allowed the preparation of an executed Declaration, but Applicants submit the unexecuted Declaration herewith, and will submit an executed version of the same shortly. This Declaration of Hunter under 37 C.F.R. §1.131 demonstrates that in fact the subject matter of the invention was made prior to the effective filing dates of the references by the inventors. Accordingly, withdrawal of the rejections for anticipation and obviousness is respectfully requested.

Respectfully submitted,

MERCHANT & GOULD



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DOCKET NO. 8229-018-27 CIP

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DECLARATION OF JAMES A. HUNTER

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

I, James A. Hunter, do hereby declare and state that:

1. I am a co-inventor of the subject matter claimed in the above-captioned patent application.
2. It is my understanding that one claim of the above-captioned patent application is directed to a reflective light processing element, which may be a grating light valve.
3. I further understand that the grating light valve of the invention includes, as separate elements, a substrate, a dielectric layer formed on the substrate, a conductive trace formed on the dielectric layer and a plurality of ribbons formed above the substrate and the conductive trace. The conductive trace allows charges trapped in the dielectric layer to escape.
4. I am informed that there is no specific purpose recited for this grating light valve, no

specific function, but it is my general understanding, and was prior to December 1989, that a grating light valve is shown to work for its intended purpose when it is demonstrated that it can alter reflective light by movement from conditions of constructive to destructive interference. Specially, a grating light valve, or other light processing element, is shown to work when it modulates the amount of light reflected.

5. Submitted herewith as Exhibit A is a document that was employed at Silicon Light Machines prior to December 1989, referred to as a “runsheet.” A runsheet identifies all processes that an actual product is subjected to. The runsheet that is Exhibit A is a runsheet for the preparation of the reflective light processing element having the features described above for the claimed invention of the above-captioned patent application. Exhibit B hereto is a spreadsheet prepared by me, that identifies the correlation between specific steps of the runsheet and a feature of the subject matter referred to above. Claim 1 also corresponds to Claim 1 of the above-captioned patent application.
6. The runsheet that is Exhibit A corresponds to the actual preparation of a prototype of the invention of Claim 1. As it was not a commercial run, nor prepared for a customer, many of the specific details, such as lot number and the like, were not incorporated. As set forth in Exhibit B, certain steps of the run sheet correspond to specific elements or recitations of Claim 1. Each of these is discussed below.
7. Thus, in steps 1 and 2, the runsheet begins with a silicon wafer, which corresponds to the “substrate” of Claim 1. In Step 2 a dry oxidation proceeds on the wafer, which forms an insulating dielectric (silicon dioxide) which corresponds to the recitation of Claim 1 that there be a “dielectric layer formed on the substrate.”
8. In step 8 there is reference to deposition of ribbon material, followed in step 9 by the

patterning (ribbon mask) to form “a plurality of ribbons” as required in Claim 1, which is specifically recited in step 11, a step described as the ribbon etch. Thus, an 850 angstroms silicon nitride and 500 angstroms silicon dioxide etch is performed, resulted in a plurality of ribbons, as indicated on the runsheet.

9. At runsheet step 17, the step referred to as a partial release, exposes the dielectric on the substrate without releasing the ribbons fully. This is for the purpose of forming a conductive trace on the dielectric layer. The contact mask of step 18 is a mask for forming the contact for a conductive trace on the dielectric layer.
10. Step 20 of the runsheet is a contact etch step, that is, etching a contact hole for the conductive metal trace formed on the dielectric layer which is formed in Step 21 of the runsheet, metal evaporation. Thereafter, the device comprises the substrate formed at the beginning, step 1, with a dielectric layer thereon, step 2. There is a plurality of ribbons with material deposited, masked and etched in steps 8, 9, and 11 with a conductive trace and contact for the conductive trace formed in steps 17, 18, 20, 21 and 22. Step 23 is a “final release” which releases the ribbons so as to permit movement from constructive to destructive interference conditions.
11. As can be seen, accordingly, by performing the process set forth in the runsheet as was done at Silicon Light Machines by me and individuals working with me and under my direction, the subject matter of Claim 1 can be produced and was produced at Silicon Light Machines prior to December 1989. Moreover, as tested to the satisfaction of myself and my co-inventors, these grating light valves were shown to modulate the amount of light reflected by them from a light source, thereby demonstrating that the grating light valves made prior to August 11, 1989, by myself and co-inventors, in fact “worked for the intended purpose” in that they showed utility

as grating light valves.

All statements made herein are of my own knowledge are true and all statements made on information and belief are believed true. Further, I am aware that willful false statements and the like are punishable by fine, imprisonment, or both, 18 USC 1001, and that such willful false statements may jeopardize the validity of U.S. Patent Application 10/029,875 and any patent to issue thereon.

Date _____

James A. Hunter

EXHIBIT A

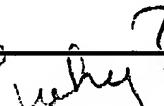
Runsheet

Lot Number:

STEP #	STEP	PROCESS	INIT	DATE
1	WAFER START	<p>START P+ SUBSTRATES</p> <p>Prime ____ -type <____> Silicon Vendor _____</p> <p>Resistivity: _____ ohm-cm; Lot #: _____</p>	_____	_____
2	DRY OXIDATION	<p>Scribe wafers Scribe ID: <u>Lot ID ?</u></p> <p>Post Scribe Clean (<i>wbnonmetal</i>) 10 minutes Piranha</p> <p>Pre Diffusion Clean (<i>wbdiff</i>) 10 minutes Piranha 30 seconds 50:1 HF 10 minutes HCL/H₂O₂/H₂O</p> <p>950° C Dry Oxidation - Target <u>500</u> Å (<i>Tylan 1,3,4</i>) Recipe: DRY950 Oxidation time: _____ minutes Furnace: tylan _____</p> <p>Measure: <u>Flat</u> <u>Center</u> <u>Top</u></p> <p>Door: _____ Å</p> <p>Jungle: _____ Å</p>	_____	_____

STEP #	STEP	PROCESS	INIT	DATE																
3	AMORPHOUS SILICON DEP	<p>Pre Clean (<i>wbmetal</i>)</p> <p>6 cycle dump rinse</p> <p>Add 3 1000 Å oxide test wafers <i>source?</i></p> <p>550° C amorphous silicon deposition</p> <p>Target <u>8700Å</u> ? <i>redo?</i></p> <p>Recipe: _____</p> <p>Furnace: TYSTAR1</p> <p>Deposition rate from test run: _____ Å/min</p> <p>Deposition time: _____ minutes</p> <p>Measure (thickness):</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <th></th> <th><u>Flat</u></th> <th><u>Center</u></th> <th><u>Top</u></th> </tr> <tr> <td>Door:</td> <td>_____</td> <td>_____</td> <td>_____ Å</td> </tr> <tr> <td>Center:</td> <td>_____</td> <td>_____</td> <td>_____ Å</td> </tr> <tr> <td>Jungle:</td> <td>_____</td> <td>_____</td> <td>_____ Å</td> </tr> </table>		<u>Flat</u>	<u>Center</u>	<u>Top</u>	Door:	_____	_____	_____ Å	Center:	_____	_____	_____ Å	Jungle:	_____	_____	_____ Å	—	—
	<u>Flat</u>	<u>Center</u>	<u>Top</u>																	
Door:	_____	_____	_____ Å																	
Center:	_____	_____	_____ Å																	
Jungle:	_____	_____	_____ Å																	
4	POST MASK	<p>Mask: Level _____ Rev _____</p> <p>Singe (<i>singe oven</i>)</p> <p>20 minutes 150° C</p> <p>Spin Resist (<i>svgcoat</i>)</p> <p>Prime, Spin and Prebake Program 1</p> <p>(run Program 10 to prime lines)</p> <p>?</p>	—	—																

STEP #	STEP	PROCESS	INIT	DATE
		Expose <i>(ultratech)</i> Reticle = _____, Field = _____ Exposure: _____ Focus Offset: _____ Develop/Inspect <i>(svgdev)</i> Develop and Postbake Program 1 Wafer #: _____ Verniers: _____ Dagger: _____ Lines: _____ Corners: _____	—	—
5	DESCUM	Descum <i>(drytek2)</i> Recipe: descum 2.5 minute etch	—	—
6	POST ETCH	Etch _____ <i>(drytek2)</i> Recipe: _____ Etch Time: _____ minutes	—	—

STEP #	STEP	PROCESS	INIT	DATE				
		Final Inspect (same wafer from photo): Wafer #: _____ Verniers: _____ Dagger: _____ Lines: _____ Corners: _____	—	—				
7	PIRANHA RESIST STRIP	Strip Resist (wet) <i>(wbnonmetal)</i> 20 minutes Piranha 10 minutes Piranha	—	—				
8	STRATA-GLASS THERMAL NITRID DEPOSITION	Outside Services: Strataglass <i>why?</i>  Call courier for pickup (Add 2-3 pre-stress test wafers) LPCVD Nitride: Target <u>850</u> Å DCS:NH ₃ Ratio: _____ Measure (RI): <table style="margin-left: auto; margin-right: auto;"> <tr> <th></th> <th><u>Flat</u></th> <th><u>Center</u></th> <th><u>Top</u></th> </tr> </table> Door: _____ Å Center: _____ Å Jungle: _____ Å		<u>Flat</u>	<u>Center</u>	<u>Top</u>	←	—
	<u>Flat</u>	<u>Center</u>	<u>Top</u>					

STEP #	STEP	PROCESS	INIT	DATE			
		<p>Measure (thickness):</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Flat</u></td> <td style="text-align: center;"><u>Center</u></td> <td style="text-align: center;"><u>Top</u></td> </tr> </table> <p>Door: _____ Å</p> <p>Center: _____ Å</p> <p>Jungle: _____ Å</p> <p>Measure (stress):</p> <p>Door: _____ MPa</p> <p>Center: _____ MPa</p> <p>Jungle: _____ MPa</p>	<u>Flat</u>	<u>Center</u>	<u>Top</u>	—	—
<u>Flat</u>	<u>Center</u>	<u>Top</u>					
9	RIBBON MASK	<p>Mask: Level _____ Rev _____</p> <p>Singe (<i>singe oven</i>) 20 minutes 150° C</p> <p>Spin Resist (<i>svgcoat</i>) Prime, Spin and Prebake Program 1 (run Program 10 to prime lines)</p> <p>Expose (<i>ultratech</i>) Reticle = _____, Field = _____</p>	—	—			

STEP #	STEP	PROCESS	INIT	DATE
		Exposure: _____ Focus Offset: _____ Develop/Inspect <i>(svgdev)</i> Develop and Postbake Program 1 Wafer #: _____ Verniers: _____ Dagger: _____ Lines: _____ Corners: _____	—	—
10	DESCUM	Descum <i>(drytek2)</i> Recipe: descum 2.5 minute etch	—	—
11	RIBBON ETCH	Etch _____ <i>(amtetcher)</i> Recipe: _____ Etch Time: _____ minutes	—	—

Resist strip?

etch 300 Å SiN
and
300 Å TiO₂

STEP #	STEP	PROCESS	INIT	DATE						
		Final Inspect (same wafer from photo): Wafer #: _____ Verniers: _____ Dagger: _____ Lines: _____ Corners: _____	—	—						
12	CIS METAL SPUTTER	Pre Clean <i>(wbmetal)</i> 30 seconds 50:1 HF Metal Dep <i>(gryphon)</i> <input type="checkbox"/> Equivalent oxide etch <input type="checkbox"/> Sputter Deposition Target: <u>3000</u> Å Measure (Rs): <table style="width: 100%; text-align: center;"> <tr> <td><u>Flat</u></td> <td><u>Center</u></td> <td><u>Top</u></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____ ohm/sq</td> </tr> </table>	<u>Flat</u>	<u>Center</u>	<u>Top</u>	_____	_____	_____ ohm/sq	—	—
<u>Flat</u>	<u>Center</u>	<u>Top</u>								
_____	_____	_____ ohm/sq								
13	M2 MASK	<input type="checkbox"/> Mask: Level _____ Rev _____ Singe <i>(singe oven)</i> 20 minutes 150° C	—	—						

STEP #	STEP	PROCESS	INIT	DATE
		<p>Spin Resist (<i>svgcoat</i>)</p> <p>Prime, Spin and Prebake Program 1</p> <p>(run Program 10 to prime lines)</p> <p>Expose (<i>ultratech</i>)</p> <p>Reticle = _____, Field = _____</p> <p>Exposure: _____</p> <p>Focus Offset: _____</p> <p>Develop/Inspect (<i>svgdev</i>)</p> <p>Develop and Postbake Program 1</p> <p>Wafer #: _____</p> <p>Verniers: _____</p> <p>Dagger: _____</p> <p>Lines: _____</p> <p>Corners: _____</p>	—	—
14	DESCUM	<p>Descum (<i>drytek2</i>)</p> <p>Recipe: descum</p> <p>2.5 minute etch</p>	—	—
15	WET METAL ETCH	<p>Pour fresh etchant</p> <p>Etchant: _____</p> <p>(<i>wbmetal</i>)</p>	—	—

STEP #	STEP	PROCESS	INIT	DATE
		Etch metal to clear Etch Time: _____ minutes	—	—
16	RESIST ASH	Strip Resist (dry) <i>(matrix)</i> Recipe: newlotemp Strip Time: _____ minutes Post Clean 6 cycle Dump Rinse <i>(wbmetal)</i>	—	—
17	PARTIAL RELEASE	WAFERS NEED TO GO TO SLM ← NO E? clean?	—	—
18	CONTACT MASK	____ Mask: Level _____ Rev _____ Singe <i>(singe oven)</i> 20 minutes 150° C Spin Resist <i>(svgcoat)</i> Prime, Spin and Prebake Program 1 (run Program 10 to prime lines)	—	—

STEP #	STEP	PROCESS	INIT	DATE
		Expose <i>(ultratech)</i> Reticle = _____, Field = _____ Exposure: _____ Focus Offset: _____	—	—
		Develop/Inspect <i>(svgdev)</i> Develop and Postbake Program 1 Wafer #: _____ Verniers: _____ Dagger: _____ Lines: _____ Corners: _____	—	—
19	DESCUM	Descum <i>(drytek2)</i> Recipe: descum 2.5 minute etch	—	—
20	CONTACT ETCH	Etch _____ <i>(amtetcher)</i> Recipe: _____ Etch Time: _____ minutes	—	—

STEP #	STEP	PROCESS	INIT	DATE
		Final Inspect (same wafer from photo): Wafer #: _____ Verniers: _____ Dagger: _____ Lines: _____ Corners: _____	_____	_____
21	METAL EVAP	WAFERS NEED TO GO TO LANCE GODDARD	500 Å	
22	ALLOY	<i>simulate seal furnace?</i>		
23	FINAL RELEASE	WAFERS NEED TO GO TO SLM		

EXHIBIT B

RUNSH
EET
DETAIL
ED
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Step #	Step Name	Comments	Claim Reference
1	WAFER START	Starting Si Substrate	Claim 1, "a substrate"
2	DRY OXIDATION	Grow an insulating dielectric	Claim 1, "a dielectric layer formed on the substrate"
3	AMORPHOUS SILICON DEP	Deposit Si sacrificial layer	NA
4	POST MASK	Photo patterning of ribbon anchor	NA
5	DESCUM	Ashing of residual photoresist	NA
6	POST ETCH	Forms ribbon anchor "mold"	NA
7	PIRANHA RESIST STRIP	Strips resist	NA
8	STRATAGLASS THERMAL NITRIDE DEPOSITION	Ribbon material deposition	Claim 1, "a plurality of ribbons..."
9	RIBBON MASK	Photo patterning of ribbon	Claim 1, "a plurality of ribbons..."
10	DESCUM	Ashing of residual photoresist	NA
11	RIBBON ETCH	Etching of ribbon	Claim 1, "a plurality of ribbons..."
12	CIS METAL SPUTTER	Deposition of thick metal wiring	NA
13	M2 MASK	Photo patterning of thick metal wiring	NA
14	DESCUM	Ashing of residual photoresist	NA
15	WET METAL ETCH	Etching of thick metal wiring	NA
16	RESIST ASH	Strips resist	NA
17	PARTIAL RELEASE	Exposes dielectric on substrate without releasing ribbons fully	Claim 1, "a conductive trace on the dielectric layer.."
18	CONTACT MASK	Photo patterning of contact hole for conductive metal trace	Claim 1, contact for "a conductive trace on the dielectric layer.."
19	DESCUM	Ashing of residual photoresist	NA
20	CONTACT ETCH	Etching of contact hole for conductive metal trace	Claim 1, contact for "a conductive trace on the dielectric layer.."
21	METAL EVAP	Formation of conductive trace	Claim 1, "a conductive trace on the dielectric layer.."
22	ALLOY	Sinters contact	Claim 1, contact for "a conductive trace on the dielectric layer.."
23	FINAL RELEASE	Fully releases ribbons	Claim 1, "a plurality of ribbons .."